

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

ROBIN A. GIBSON,

Debtor,

) Case Number 04-27811/JKF
) Related to Document No. 59 & 61
) Chapter 13

RBS CITIZENS, N.A.,

Movant,

)
)

Vs.

NO RESPONDENTS

Respondent.

)
)

ORDER DENYING MOTIONS FOR UNCLAIMED FUNDS

Generally, funds deposited for the benefit of a creditor cannot be refunded to any other party because such funds are presumed to be property of and owned by the specific creditor until shown otherwise. Although 28 U.S.C. §2042 allows for distribution of funds held by the Court to a claimant entitled to such money on petition to the Court, notice must first be given to the United States Attorney and *full proof of the right thereto* shown in the *Motion*. Here, the *Motions* lack the documentary proof of entitlement from *RBS Citizens, N.A.*, (as was filed at Doc. No. 58 and 59), and the documents failure to include counsel for Movant's email address, to comply with this Court's Local Rules pleading signatures, specifically, *W.PA.LBR 5005-6* and/or *Fed. R. Bankr. P. 9011*; therefore,

AND NOW, this *2nd* day of **April, 2013**, upon consideration of the *Motions to Pay Unclaimed Funds*, (filed at Document Number 59 and 61), for the above reasons, it is hereby **ORDERED** that the *Motions for Unclaimed Funds* are **DENIED**, without prejudice.


Judith K. Fitzgerald
Judge, US Bankruptcy Court

cgt

Case Administrator to mail to:

Ronda Winnecour, Esq.

Debtor

Counsel for the Debtor

Office of the U.S. Trustee

Jardanian Josephs, Esq.